

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7668

BILL NUMBER: HB 1521

NOTE PREPARED: Jan 14, 2007

BILL AMENDED:

SUBJECT: Coroner Issues.

FIRST AUTHOR: Rep. Moses

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a coroner to file a certificate of death with a county health department within 72 hours after the completion of a death investigation. (Current statute requires the certificate of death be filed with the person in charge of interment, within 72 hours of the coroner's notification of the death.) It also removes a provision allowing a coroner to employ the services of the medical examiner system.

The bill makes knowingly or intentionally failing to notify a coroner or law enforcement agency of the discovery of a body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner a Class A misdemeanor. (Under current law it is a Class B infraction.)

It also makes it a Class D felony for a person, without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently suspicious, unusual, or unnatural manner. (Current law provides that it is a Class D felony if a person moves or transports the body.)

The bill also defines "autopsy" for purposes of the law requiring a coroner who performs an autopsy to bill the county in which the incident causing the death of the autopsy subject occurred.

It requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and tissue procurement.

The bill repeals provisions: (1) authorizing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend

meetings of the Commission on Forensic Sciences when invited.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill expands the circumstances relating to a Class D felony associated with knowingly or intentionally and without the permission of a coroner or a law enforcement officer altering the scene of a death in specified circumstances. There are no data available to indicate how many offenders may be sentenced for altering the scene of death without the necessary authorization.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision, Class D Felony:* If additional court cases occur as a result of the change, and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Penalty Provision, Class A Misdemeanor: The bill also increases the penalty for failing to notify the coroner or local law enforcement of the discovery of the body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner from a Class B infraction to a Class A misdemeanor. This bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. However, any change in revenue is likely to be small. Currently, the maximum judgment for a Class B infraction is \$1,000, which is deposited into the state General Fund, while the maximum fine for a Class A misdemeanor is \$5,000, which is deposited into the Common School Fund. The state General Fund may also receive additional court fee revenue. However, the amount is likely to be small.

Explanation of Local Expenditures: The bill defines the term autopsy to include the external and surgical internal examination of all body systems to include histology and toxicology for the circumstances that require the coroner of one county to bill another county for the costs of an autopsy. This provision specifies what costs may be recoverable or payable by each county involved.

Penalty Provision: Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined or detained in county jails prior to their court hearings. However, any cost increase is likely to be small. A Class A misdemeanor is punishable by up to one year in jail. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. If additional court actions occur as a result of the expanded definition of the Class D felony, and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Coroner's Training Board; Criminal Justice Institute; Department of Correction.

Local Agencies Affected: Local Coroners, local health departments, trial courts; Local law enforcement agencies.

Information Sources: Lisa Barker, Executive Director, Coroner's Training Board; and Rick Dowden, MD, President, Indiana Coroner's Association.

Fiscal Analyst: Kathy Norris, 317-234-1360.